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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,476	07/03/2001	John J. Feldis III	09623V-033000US	8445
20350	7590	06/30/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			HENN, TIMOTHY J	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/898,476	FELDIS, JOHN J.
	Examiner	Art Unit
	Timothy J. Henn	2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 April 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 11-18 is/are allowed.
- 6) Claim(s) 1-10 and 19-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 July 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 06 April 2005 have been fully considered but they are not persuasive. Regarding Applicant's arguments that Schuetzle does not disclose the use of a tag which instructs the host device to convert the image data from one resolution size to another resolution size. However, as Applicant's recognize Schuetzle does disclose image processing which includes image cropping and resolution (c. 5, II. 36-48). The examiner notes that at the very least, image cropping changes the resolution of the image to a second resolution by removing an unwanted portion of the image. Therefore, Schuetzle does disclose changing the resolution from a first resolution (i.e. original image size) to a second resolution size (i.e. original image size - cropped area size) as claimed.

Regarding Applicant's arguments that Schuetzle in view of Parulski do not disclose automatically invoking a program to apply a quick-send tag to the image data without user input upon capturing an image the examiner notes that Schuetzle discloses that processing tags can be automatically applied without input by the operator (c. 5, II. 63-66) and discloses that tags are generally associated with an image during image capture (Figure 6a; c. 6, II. 46-55). Therefore, if the camera of Schuetzle is modified to include quick-send tags as taught by Parulski it would be obvious to allow the quick-send tag to be automatically applied without input by the operator as taught by Schuetzle.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 7, 8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Schuetzle (US 6,762,791).

[claim 1]

Regarding claim 1, Schuetzle discloses a method of processing image data, comprising: providing an image capturing apparatus (Figure 1, Item 30); providing a host device for receiving image data generated by the image capturing apparatus (Figure 1, Item 20); targeting an image to be captured with the image capturing apparatus; generating first image data representing the targeted image using the image capturing apparatus, the first image data having a first resolution size (c. 4, II. 26-39); and attaching a first tag to the first image data for post processing in the host device (c. 5, II. 22-48), the first tag instructing the host device to convert the first image data from the first resolution size to a second resolution size that is different from the first resolution size (e.g. “resolution” processing or image cropping), wherein the apparatus is programmed to automatically attach the first tag to the first image data once the first

image data is generated (c. 5, l. 59 - c. 6, l. 4).

[claim 2]

Regarding claim 2, Schuetzle discloses a method further comprising generating first image data and a tag field including a first tag (Figure 3); transmitting the image data file to the host device (Figure 1; Figure 8); and converting (i.e. processing) the first image data from the first resolution size to the second resolution size (i.e. “resolution” processing or image cropping; c. 5, ll. 22-48) according to instructions of the first tag (c. 9, ll. 29-45).

[claim 7]

Regarding claim 7, Schuetzle discloses a host device which is a computer (Figure 1, Item 20).

[claim 8]

Regarding claim 8, Schuetzle discloses a method further comprising prior to targeting the image, programming the image capturing apparatus by a user to attach the first tag to the first image data (c. 5, l. 66 - c. 6, l. 2)

[claim 10]

Regarding claim 10, Schuetzle discloses the host device receiving an image data file (Figure 3) including the first image data and the first tag via a communication network (“WIRELESS COMMUNICATION”).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuetzle (US 6,762,791) in view of Chen et al. (US 2002/0136450 A1).

[claim 3]

Regarding claim 3, Schuetzle discloses all limitations except for a second tag instructing the host device to remove red-eye effects from the image data. Chen discloses a red-eye detection and removal system which determines whether red-eye detection and removal should be applied to an image based on the presence of a "flash" tag (Figure 4; paragraphs 0043-0044). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a second tag as taught by Chen to remove the effects of red-eye in the images produced by the method of Schuetzle.

[claim 4]

Regarding claim 4, Chen discloses performing red-eye processing on the presence of a "flash" tag that indicates whether or not a flash device was used in the taking of the image data (paragraphs 0043-0044). However, Chen is silent on the exposure conditions of the picture (i.e. whether the image was captured in a poorly lit environment). Official Notice is taken that it is well known in the camera art to use a flash device when photographing a poorly lit environment in order to prevent taking

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underexposed images. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the flash (and thus include the “flash” tag which triggers the red-eye detection and removal processing) at a time when photographing is performed in a poorly lit environment. The examiner notes that in such a system a tag instructing the host to remove red-eye effects would exist for all cases when the image is captured in a poorly lit environment.

[claim 5]

Regarding claim 5, Chen discloses a second tag attached to the image if a flash light coupled to the image capturing apparatus goes off while capturing the target image (paragraphs 0043-0044).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schuetzle (US 6,762,791).

[claim 9]

Regarding claim 9, Schuetzle discloses converting a first resolution picture into a second picture of a different resolution (i.e. “resolution” processing or image cropping), but does not explicitly disclose the first or second resolutions. Official Notice is taken that it is well known in the camera art to allow the user to set the resolution for capturing pictures and for processing pictures to create images according to the user’s wishes. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user to set the first and second resolutions to create pictures in accordance with the user’s wishes.

7. Claims 6 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuetzle (US 6,762,791) in view of Parulski et al. (US 6,573,927).

[claim 6]

Regarding claim 6, Schuetzle discloses an image capturing device which is a digital camera (c. 4, ll. 58-66) but does not disclose attaching a quick-send tag to the first image data for post processing, the quick-send tag designating a recipient and instructing the host device to transmit the first image data to the recipient.

Parulski discloses a camera that tags images with utilization file information (c. 6, ll. 33-45; Appendix I) including tags to indicate that an image is to be e-mailed (c. 4, ll. 17-28) to addresses which were previously stored in the camera (c. 4, ll. 20-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the e-mailing functionality of Parulski in the camera of Schuetzle to allow a user to e-mail pictures to selected recipients.

[claim 19]

Regarding claim 19, Schuetzle discloses a digital camera comprising an imaging device (Figure 1; the examiner notes that digital cameras inherently include imaging devices); a processor coupled to the imaging device to process image data (Figure 1, Item 38; c. 4, ll. 51-55); a first memory coupled to the processor (Figure 1, Items 35); second and third memories (Figure 1, Item 35; the examiner notes that Schuetzle discloses the use of the removable memory 35 in place of the memory 34 on column 4, lines 43-45) and a program stored in the third memory (Figure 1, Item 35) for causing

the processor to attach a resolution tag to the image data (c. 5, l. 8 - c. 6, l. 4). Therefore, it can be seen that Schuetzle lacks a first program stored in the second memory for causing the processor to retrieve a communication address stored in the first memory to attach a quick-send tag to the image data so that the image data can be transmitted via a communication network.

Parulski discloses a camera that tags images with utilization file information (c. 6, ll. 33-45; Appendix I) including tags to indicate that an image is to be e-mailed (c. 4, ll. 17-28) to addresses which were previously stored in the camera (c. 4, ll. 20-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the e-mailing functionality of Parulski in the camera of Schuetzle to allow a user to e-mail pictures to selected recipients. The examiner notes that Schuetzle discloses that processing tags can be automatically applied without input by the operator (c. 5, ll. 63-66) and discloses that tags are generally associated with an image during image capture (Figure 6a; c. 6, ll. 46-55). Therefore, if the camera of Schuetzle is modified to include quick-send tags as taught by Parulski it would be obvious to allow the quick-send tag to be automatically applied without input by the operator as taught by Schuetzle.

[claim 20]

Regarding claim 20, Schuetzle discloses a first memory which is a non-volatile removable memory card (Figure 1, Item 35; c. 4, ll. 15-45).

[claim 21]

Regarding claim 21, Schuetzle discloses a configuration wherein a single memory (figure 1, Item 35) serves as the data storage for the camera. The examiner notes that in such a configuration all data must be stored on the only available memory and therefore the first, second and third memories of Schuetzle would inherently be the same.

Allowable Subject Matter

8. Claims 11-18 are allowed.

[claims 11-18]

Regarding claims 11-18, the prior art does not teach or fairly suggest a method of processing image data comprising: generating first image data representing a targeted image using the apparatus, the first image data having a first resolution size; attaching a resolution tag to the first image data for post processing in a device other than the image capturing apparatus, the resolution tag instructing the device to convert the first image data from the first resolution size to a second resolution size; attaching a quick-send tag to the first image data for post processing, the quick-send tag designating a recipient and instructing the host device to transmit the first image data to the recipient; transmitting a first image data file including the first image data and the resolution tag and quick-send tag to the host device; and transmitting a second image data file from the host device to the recipient according to the quick-send tag via the communication network, the second image data file including the resolution tag and a second image

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data corresponding to the first image data, the second image data having the first resolution size.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber can be reached on (571) 272-7308. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJH
6/23/2005



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